

JFW/3721



PATENT  
ATTORNEY DOCKET NO.: 040894-7160

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Confirmation No.: 9680
	)	
Kazuo HIGUCHI	)	Group Art Unit: 3721
	)	
Application No.: 10/520,124	)	Examiner: Unassigned
	)	
Filed: January 3, 2005	)	
	)	
For: RESIDUAL STAPLE AMOUNT	)	
DETECTION DEVICE OF ELECTRIC	)	
STAPLER	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

The listed documents were cited in a European Search Report dated August 23, 2005. A copy of the European Search Report is enclosed for the Examiner's consideration.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations in the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.


**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: October 5, 2005

By:

  
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**INFORMATION DISCLOSURE CITATION**

Attorney Docket No.

040894-7160

Application No.:

10/520,124

(Use several sheets if necessary)

Applicant: Kazuo HIGUCHI

Filing Date: January 3, 2005

Group Art Unit: 3721

PTO Form 1449  
Page 1 of 1**U.S. PATENT DOCUMENTS**

*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date	Country	Class	Sub Class	Translation	
						YES	NO
	EP 0 861 708 A1	Sep. 2, 1998	Europe				
	EP 0 637 486 A1	Feb. 8, 1995	Europe				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.